



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

Meeting of Monday
March 6, 2017
AGENDA & Meeting Notice

The Arlington Redevelopment Board will meet Monday, March 6, 2017 at 7:30 PM in the Town Hall Annex, Second Floor Conference Room, Arlington, Massachusetts.

Agenda Item	How	Time
1. Correspondence: 483 Summer Street, Arlington, Massachusetts from Robert J. Annese, Atty.	<i>Campobasso Properties, LLC request to continue public hearing for EDR Special Permit for Docket #3522 to later date</i>	7:30 – 7:35 p.m. (5 mins)
2. Discussion: 2017 Annual Town Meeting Warrant Article 9: Zoning Bylaw Amendment/ Medical Marijuana Treatment Center Buffer Zone	<i>The Board will have a discussion with Karen Thomas-Alyea</i>	7:35 – 8:05 (30 mins)
3. Discussion: 2017 Special Town Meeting Warrant Article 1: Zoning Bylaw Amendment/ Definitions	<i>The Board will discuss the warrant article with Department of Planning and Community Development (DPCD) staff. The article relates to ATM Article 8 amendment to Residential Driveways</i>	8:05-8:15 (10 mins)
4. Housing Plan Implementation Committee	<i>The Board will vote to appoint members to the Housing Plan Implementation Committee</i>	8:15—8:25
5. Discussion: Zoning Recodification update	<i>DPCD staff will provide an update on the work being done to recodify Arlington's Zoning Bylaw and answer the board's questions</i>	8:25—8:50 (25 min)
6. Presentation: Director's Report	<i>Update on past month of DPCD activities</i>	8:50—9:00 (10 min)
7. Adjourn		9:00

ROBERT J. ANNESE
ATTORNEY AT LAW

TOWN CLERK'S OFFICE
ARLINGTON, MA 02170

2017 FEB 22 PM 1:51

February 22, 2017

Laura Wiener, AICP
Assistant Director of Planning
Arlington Planning and Community Development
Town Hall, 730 Mass Ave.
Arlington, MA 02476

RECEIVED

RE: 483 Summer Street, Arlington, Massachusetts

Dear Ms. Wiener:

Campobasso Properties, LLC, the owner of the 483 Summer Street real estate requests that the Arlington Redevelopment Board Hearing scheduled for March 6, 2017, be continued to a later date.

I am waiting to hear from my client with respect to the timeframe he will need to be ready for the next hearing and, as soon as I have that information, I will let you know so that you have an opportunity to let the neighbors and abutters know about the new date in a timely manner.

Chapter 40A, Section 9 of the General Laws of the Commonwealth of Massachusetts provides in part that "any decision of the special permit granting authority is to be made within ninety (90) days following the date of the public hearing."

Section 9 further indicates that "the required time limits regarding the public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority."

"A copy of such agreement is to be filed in the Office of the City or Town Clerk."

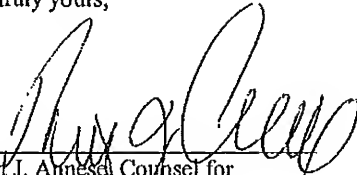
Since I cannot presently inform you of the date my client will be ready for the continued hearing, I am sending you this letter to ensure that there will be no constructive approval of the special permits my clients applied for if a final decision is not rendered within the ninety (90) day period.

Since the statute calls for an agreement between the petitioner and special permit granting authority I am requesting that the ARB sign this letter as their collective assent to my client's request to continue the hearing.

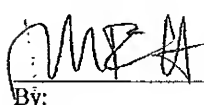
Laura Wiener, AICP
Assistant Director of Planning
Arlington Planning and Community Development
February 22, 2017
Page 2

Thank you for your cooperation in this matter.

Very truly yours,


Robert J. Annese, Counsel for
Campobasso Properties, LLC

Assented to:

, Secretary ex-officio 2/22/17
By:
Arlington Redevelopment Board

From: Karen Thomas-Alyea <kthomasalyea@gmail.com>
To: Andrew Bunnell <ABunnell@town.arlington.ma.us>
Cc: dwatson@town.arlington.ma.us, Jenny Raitt <JRaitt@town.arlington.ma.us>, Jason Cofield <jcofield@gmail.com>, Christine Bongiorno <cbongiorno@town.arlington.ma.us>
Date: 02/25/2017 01:05 PM
Subject: Re: warrant for town meeting

Dear all,

Here are some notes for your consideration for discussion of the warrant article proposed regarding buffer zones.

Attached is a comparison of the different buffer zones of which I am aware that the town has considered. Note the substantial differences with the measure submitted last fall by the lawyer for the RMD (Romano). Note also the farthest-right column, which was suggested last week by Director Bongiorno. I copy her email suggestion below. We have no strong preference between the warrant article we submitted and Director Bongiorno's suggestion, so we are fine with starting the discussion with the version the ARB thinks is best.

What will be the date for the discussion?

Sincerely,
 Karen

From: Christine Bongiorno <CBongiorno@town.arlington.ma.us>
Date: Thu, Feb 23, 2017 at 4:58 PM
Subject: Re: warrant
To: Karen Thomas-Alyea <kthomasalyea@gmail.com>
Cc: Jason Cofield <jcofield@gmail.com>

Karen and Jason,

I have had a few conversations with Town Counsel and have reviewed zoning maps, addresses and potential ways to re-establish a buffer zone. Based upon data, conversations with prevention partners and our mapping expert, I suggest that your warrant article be amended to address the following areas, provided that once our GIS coordinator completes his map of all of these, we are still able to show that there are sites available in B3 and B5 districts (as discussed, this is the only way we can buy in from ARB and it will pass AG Office):

- athletic playing fields where organized, permitted events occur
- licensed childcare programs (this includes home and center based programs)
- licensed residential care programs (these are group homes for youth)
- public and private schools

The warrant article would look like this:

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (MMTC also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of athletic playing fields where

organized, permitted events occur, licensed childcare programs, licensed residential care programs and public and private schools, the 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD; or take any action related thereto.

If this interests you and the GIS coordinator is able to provide us with a map showing locations in the districts where a facility could locate, the next step would be informing the Planning Director that you would like to amend the original article submitted and ask that you may bring it before the Redevelopment Board at the 3/13 meeting. Prior to that we would want the Board of Health to formally vote to support it.

Let me know your thoughts. I am more than happy to speak by phone in more detail. I will be leaving the office shortly but will be available tomorrow morning after 10:30am in the office or by cell tomorrow between 1-4 pm 781-858-8631

Attached are the addresses to back up the list above.

Talk to you soon,

Christine

On Wed, Feb 22, 2017 at 8:47 PM, Karen Thomas-Alyea
<kthomasalyea@gmail.com> wrote:

Andrew,

That makes sense. I appreciate the opportunity for an open discussion.

Karen

On Wed, Feb 22, 2017 at 2:56 PM, Andrew Bunnell
<ABunnell@town.arlington.ma.us> wrote:

Karen -

Having thought about this, I think it would be more productive to have you meet with David and myself as part of a regular board meeting, both to include the other members and to keep in line with open meeting requirements. This is traditionally how the board has handled these discussions regarding resident-initiated warrant articles. This will be an advertised meeting but we will treat it as an informal discussion and not a public hearing (which will take place 3/13). I've copied Jenny Raitt on this email in order to arrange. I look forward to seeing you then.

Thanks,

-----Original Message-----

From: Karen Thomas-Alyea <kthomasalyea@gmail.com>
To: Andrew Bunnell <ABunnell@town.arlington.ma.us>
Cc: dwatson@town.arlington.ma.us
Date: Wed, 22 Feb 2017 08:30:56 -0500
Subject: Re: warrant for town meeting

Yes, I can be free tomorrow (Thursday), what time is best for you? Where is your office?

Thank you,

Karen

On Wed, Feb 22, 2017 at 8:27 AM, Andrew Bunnell <ABunnell@town.arlington.ma.us> wrote:
Karen -

My apologies for not responding sooner. I have some availability tomorrow to discuss if you're free.

-----Original Message-----

From: Karen Thomas-Alyea <kthomasalyea@gmail.com>
To: abunnell@town.arlington.ma.us, dwatson@town.arlington.ma.us
Date: Sun, 19 Feb 2017 12:53:00 -0500
Subject: warrant for town meeting

Dear Mr. Bunnell and Mr. Watson,

I would like to hear your thoughts about the warrant submitted for town meeting regarding buffer zones for medical marijuana facilities. As you have said in ARB meetings, the town intended to preserve the state's 500 foot buffer zone for places where children congregate, and since the state ruled that the town had inadvertently voided the 500 foot buffer zone, Arlington now needs to take steps to re-instate the buffer zone. That is the purpose of the warrant article.

When would either or both of you be available to talk this week?

Sincerely,
Karen Thomas-Alyea

781 635 5275

	Romano warrant fall 2016	state	Burlington (=proposed substitute motion fall 2016 =proposed warrant for spring 2017)	Board of Health recommendation Oct. 2016	BOH proposed Feb 2017
elementary, middle, high schools	500 ft	500 ft	500 ft	500 ft	500 ft
daycare center	not in same building	500 ft	500 ft	500 ft	500 ft
facility in which children commonly congregate	-	500 ft	500 ft	500 ft	ba
licensed providers of educational, recreational, and healthcare services to children	-	?	ba	500 ft	ba
parks, playgrounds	-	?	500 ft	500 ft	ba
distance between RMDs	1000 ft	-	-	-	-
pediatrics offices	-	-	500 ft	ba	-
public library	-	?	500 ft	ba	-
tutoring	-	-	500 ft	ba	-
private home daycare	-	?	500 ft	ba	500 ft
commercial children's parties	-	?	500 ft	ba	-
athletic fields where organized, permitted events occur	-	?	500 ft	ba	500 ft
key					
-	not mentioned				
500 ft	explicitly mentioned				
?	unclear				
ba	not explicitly mentioned but falls into other explicitly mentioned categories				

Zoning B3 and B5 Districts

Town of Arlington, MA



Map for planning purposes only,
created by the Arlington GIS Office, 2/24/2017.

LEGEND

- 500 Foot Buffer
- B3: Village Business
- B5: Central Business
- EEC Res Care Programs
- Education and Early Care
- Public Private Schools
- Parks and Open Space
- Roads
- Minuteman Bikeway
- Town Boundary
- Water Body

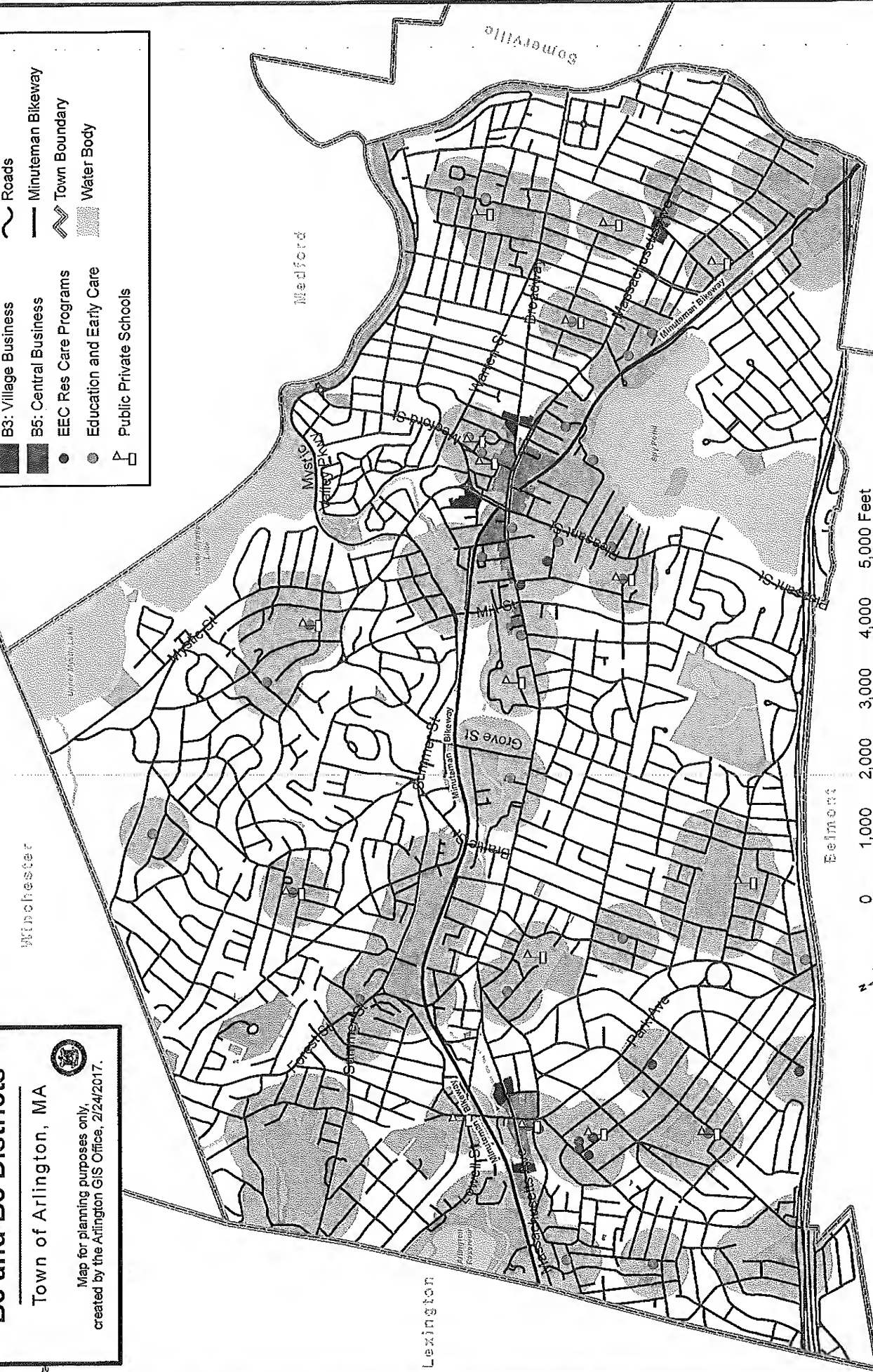
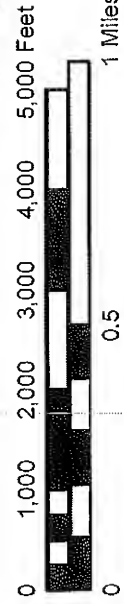
Winchester

Medford

Lexington

Belmont

Cambridge



Warrant Article 9 Amendment

ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER
BUFFER ZONE

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (MMTC also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of athletic playing fields where organized, permitted events occur, licensed childcare programs, licensed residential care programs and public and private schools, the 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD; or take any action related thereto.



**Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476**

**Public Hearing
Zoning Bylaw Amendments**

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Monday, March 13, 2017, at 7:30 P.M.** in the **Central School, 27 Maple Street/20 Academy Street, Main Room, Arlington, Massachusetts**. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw beginning at 7:30 p.m. After receiving public comments, the ARB will make recommendations to the Town Meeting on each proposed amendment. The Zoning Bylaw amendments will be considered at Annual Town Meeting, which will begin Monday, April 24, 2017. The following Articles 6 through 10 propose changes to the Zoning Bylaw and are the subject of the public hearing:

ARTICLE 6

**ZONING BYLAW AMENDMENT/ MIXED USE
IN BUSINESS AND INDUSTRIAL ZONES**

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed-Use development by reducing or removing the Minimum Lot area per Dwelling Unit Sq. Ft. requirement, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 7

ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 2 DEFINITIONS for Artisanal Fabrication by increasing or removing the maximum square foot area requirement, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 8

**ZONING BYLAW AMENDMENT/RESIDENTIAL DRIVEWAY
AND PARKING ACCOMODATION ZONING CHANGES**

To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 9

ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER BUFFER ZONE

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (“MMTC”, also known as Registered Marijuana Dispensaries “RMD”); prohibiting siting of such facilities within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate; the 500 foot distance under this section to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC; and further defining for the purposes of this section a “facility in which children commonly congregate” to include: dance schools, gymnastic schools, technical schools, vocational schools, public and private K-12 schools, public libraries, facilities that offer tutoring or after school instruction, licensed daycare facilities (including private home daycare), pediatrics offices, parks that have play structures and athletic fields intended for use by children, accredited Headstart facilities, and commercial establishments that host children’s parties; or take any action related thereto.

(Inserted at the request of Karen E. Thomas-Alyea and ten registered voters)

ARTICLE 10

ZONING BYLAW AMENDMENT/R2 to R1 DESIGNATION

To change the Zoning District in the Mount Gilboa Historic District from the current Zoning District of R2 to its former District of R1. The proposed area shall encompass the following streets: 2-133 Crescent Hill Avenue, 2-16 Park Place, 3-115 Westmoreland Avenue and 11-197 Westminster Avenue; or take any action related thereto.

(Inserted at the request of Janice A. Weber and ten registered voters)

The draft language of the proposed amendments to the Zoning Bylaw is available on Friday, February 24, 2017 through Tuesday, March 13, 2017 in the Department of Planning and Community Development on the first floor of the Town Hall Annex, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m., or viewed and downloaded from the Redevelopment Board webpage of the Town’s website at www.arlingtonma.gov.

Andrew Bunnell, Chair
Arlington Redevelopment Board

AA 2/23/17, 3/2/17



**Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476**

**Public Hearing
Zoning Bylaw Amendments**

In accordance with the provisions of the Zoning Bylaw of the Town of Arlington, Massachusetts, and Chapter 40A of the Massachusetts General Laws, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Monday March 20, 2017, at 7:30 P.M.** in the **second floor conference room of the Town Hall Annex**, 730 Massachusetts Avenue, Arlington, Massachusetts. The ARB will hear public comments on proposed amendments to the Arlington Zoning Bylaw.

After hearing public comments, the ARB will make a recommendation to Town Meeting on the proposed amendments. The Zoning Bylaw amendment will be considered by the Special Town Meeting, which will begin April 26, 2017. The following warrant articles propose changes to the Zoning Bylaw and are the subject of the public hearing:

ARTICLE 1

ZONING BYLAW AMENDMENT/DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaws to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

(Inserted at the request of the Town Manager on behalf of the Residential Study Group)

ARTICLE 2

**ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA
MORATORIUM**

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."...

Or take any action related thereto.

(Inserted at the request of the Town Manager)

The draft language of the proposed amendments to the Zoning Bylaw may be seen starting Friday March 3, 2017 in the Department of Planning and Community Development on the first floor of the Town Hall Annex Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to noon, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov.

Andrew Bunnell, Chair
Arlington Redevelopment Board

AA 3/2/17, 3/9/17



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

MEMORANDUM

To: Redevelopment Board members
From: Laura Wiener, Assistant Director of Planning *LW*
Date: March 6, 2017
RE: Housing Plan Implementation Committee

Our Housing Production Plan was formally approved by the State in the fall of 2016. We want to follow up by putting together a committee to help us implement the recommendations. Four members of the Housing Plan Advisory Committee have agreed to serve on the Implementation Committee. They are:

1. Lourie August—Social Worker, Council on Aging
2. Pam Hallett—Executive Director, Housing Corporation of Arlington (HCA)
3. Pamela Baldwin—Harvard Joint Center for Housing Studies, and HCA Board member
4. Kate Casa—Affordable housing consultant

After advertising for new board members in the Advocate and on the Town website, we propose to add four new members from the community. They are:

1. Patrick Murphy, Chelsea High School History teacher, and former Lowell Mayor and City Councilor
2. Katherine Levine Einstein, Assistant Professor of Political Science, Boston University
3. Ann Woodward—Non-profit management consultant
4. Samarra Clayman—Director of Brookline Improvement Coalition

Resumes of the proposed new members are attached. We are requesting that the ARB appoint these eight people to the Housing Plan Implementation Committee.

EDUCATION

Boston University
Urban Affairs & City Planning
Summa Cum Laude

Phillips Academy Andover
Dean K. Webster Scholar

BOARDS/COMMITTEES

Massachusetts Mayors Association
Lowell Plan, Inc.
Middlesex Council of Governments
LRTA & MBTA Advisory Boards
Mill City Grows (founding member)
Community Teamwork, Inc.

REFERENCES

Bernard Lynch, *Principal*
Community Paradigm Associates
Former Lowell City Manager
blynch@communityparadigm.com
978.621.6733

Richard Howe Jr., *Register of Deeds*
North Middlesex Registry of Deeds
Dickhowejr@gmail.com
978.387.8302

Lily Song, *Professor/Researcher*
Boston University
Harvard Graduate School of Design
lilysong@gmail.com
857.654.5965

Michael Herbert, *Town Manager*
Town of Ashland
michaelderbert@gmail.com
617.304.5487

Sovanna Pouy, *Executive Director*
Cambodian Mutual Assistance Assoc
spouy@cmaalowell.org
978.804.8228

SKILLS

Languages: Spanish, Latin
Technology: Digital organizing,
Microsoft Office, Google, MUNIS,
ArcGIS, WordPress Management

PATRICK ÓISÍN MURPHY

7 Exeter Street • Arlington, Massachusetts 02474
978.604.1733 • padraicomurphy@gmail.com

EXPERIENCE

History and Social Studies Teacher | Chelsea Public Schools

Present

Plan and teach World History and Geography lessons with sixth grade students at the Browne Middle School. Emphasis on building critical awareness of social, political and economic problems, and nurturing students' natural curiosity, creativity and cooperation to develop a strong sense of justice and citizenship with which to address them. Licensed in MA as History teacher (5-12), 2016.

Senior Policy Advisor | Arena-DeRosa for Lieutenant Governor

Winter -- Spring 2014

Advised former Northeast Regional Administrator for the USDA in his candidacy for the Democratic nomination for Lieutenant Governor on issues important to local municipalities and their environmental, fiscal and social sustainability. Crafted pragmatic, progressive policy platform, *A Renewed Deal*, to support candidate's vision for growing a happy and healthy Commonwealth.

Mayor | City of Lowell

Winter 2012 -- 2014

Served as Chair of City Council, School Committee, and continued to preside over the Council's Environment Subcommittee. Modernized Office of the Mayor through use of both social media and traditional forms of engagement to connect directly with residents. Introduced performance management and improved oversight of City Auditor, Clerk and Manager offices. Sole Lowell mayor to participate in national Mayors' Institute on City Design. Worked on multiple community development projects. Work to improve cooperation between city council and school department, increase capital and operational budgets, and helped to successfully negotiate twelve multi-year contract settlements. Forged working relationships with cultural and institutional partners, state and federal legislators and agencies, fellow Gateway and international sister cities.

City Councillor | City of Lowell

Winter 2010 -- 2014

Led inclusive, comprehensive planning effort, *Sustainable Lowell 2025*. Initiated and guided process to become among the first Green Communities in the state, and help earn the state's Leading by Example Award. Initiated award-winning LowellStat performance management program, led transition from city's line-item budget to its first performance-based operating budget and integrated Capital Improvement Plan. Revived Youth Council and Lowell's *Vote 17* effort to lower voting age in city elections. Sought participatory budgeting process, inclusive community design processes, and charter changes for more democratic representation. Introduced community and school gardens, participatory vacant lot and small-scale neighborhood innovation grant programs. Increased net school spending, parks and recreation budget, and equitable neighborhood reinvestment. Worked for a progressive agenda on economic development, education, environmental, health, housing, public safety, transportation, urban design and zoning issues.

Masonry Contractor | Donlan & O'Connor Masonry

Spring 1997 -- Present

Designed and managed projects of varying size in residential brick and stone masonry construction throughout Massachusetts. Maintained thorough knowledge of current building codes and sustainable practices. Produced and tracked accurate budget and scheduling estimates. Licensed as an unrestricted Massachusetts Construction Supervisor, 2008.

Assistant to Consul General | Irish Department of Foreign Affairs

Spring 2001 -- Fall 2001

Prepared speeches, correspondence, reports, and briefs on behalf of then Consul General Orla O'Hanrahan and Vice Consul Frank Flood; liaised with governmental agencies; monitored press of national interest; coordinated business and cultural events and scheduling; and cleared months-long backlog of passport, citizenship, and visa requests, initiating more efficient office processes.

Katherine Levine Einstein

232 Bay State Road • Boston, MA 02215
(617) 358-6315 • kleinst@bu.edu

Education

Harvard University, Cambridge, MA

Ph.D., May 2012, Joint Doctoral Program in Government and Social Policy.

Dissertation title: "Divided Regions: Race, Political Segregation, and the Fragmentation of American Metropolitan Policy."

Yale University, New Haven, CT

B.A., May 2007, *magna cum laude* with distinction in the major

Major: Political Science (Intensive Track)

Employment

Boston University, Department of Political Science, Boston, MA

Assistant Professor, 2012-Present

Book

Hochschild, Jennifer L. and Katherine Levine Einstein. 2015. *Do Facts Matter? Information and Misinformation in Democratic Politics*. Norman, OK: University of Oklahoma Press.

- Featured on the *Washington Post* Monkey Cage Blog, FiveThirtyEight, London School of Economics Democratic Audit Blog, Tobin Project Newsletter, and the Policy Space Blog (Institute for Governance and Policy Analysis at the University of Canberra)
- Revised version of Chapters 5 and 6 appear as Jennifer L. Hochschild and Katherine Levine Einstein. 2015. "Do Facts Matter? Information and Misinformation in American Politics." *Political Science Quarterly* 130(4): 585-624.

Peer Reviewed Journal Articles

Einstein, Katherine Levine and David M. Glick. Forthcoming. "Cities in American Federalism: Evidence on State-Local Government Conflict from a Survey of Mayors." *Publius: The Journal of Federalism*.

Einstein, Katherine Levine and David M. Glick. 2017. "Does Race Affect Access to Government Services? An Experiment Exploring Street-Level Bureaucrats and Access to Public Housing." *American Journal of Political Science*. 61(1): 100-16.

Einstein, Katherine Levine and David M. Glick. 2016. "Cities, Inequality, and Redistribution: Evidence from a Survey of Mayors." *Urban Affairs Review*.

- Winner of the Best Paper Award, Urban Politics Section, American Political Science Association, 2015.

Einstein, Katherine Levine, Kris-Stella Trump, and Vanessa Williamson. 2016. "The Polarizing Effect of the Stimulus: Partisanship and Voter Responsiveness to the American Recovery and Reinvestment Act." *Presidential Studies Quarterly*. 46(2): 264-283.

Einstein, Katherine Levine and Vladimir Kogan. 2016. "Pushing the City Limits: Policy Responsiveness in Municipal Government." *Urban Affairs Review*. 52(1): 33-65.

Hochschild, Jennifer L. and Katherine Levine Einstein. 2015. "Misinformation in Democratic Politics." *British Journal of Political Science*. Invited Article, Features Section. 45(3): 467-475.

Einstein, Katherine Levine and David M. Glick. 2015. "Do I think BLS Data are BS? The Consequences of Conspiracy Theories." *Political Behavior*. 37(3): 679-701.

Book Chapters and Law Review Articles

- Einstein, Katherine Levine and David M. Glick. 2015. "Model Neighborhoods Through Mayors' Eyes 50 Years After the Civil Rights Act." *Boston University Law Review*. 95: 873-889
- Hochschild, Jennifer L. and Katherine Levine Einstein. Forthcoming. "Studying Contingency Systematically." In *Governing in a Polarized Age: Elections, Parties, and Political Representation in America*, eds. Alan Gerber and Eric Schickler. New York, NY: Cambridge University Press.
- Shames, Shauna L., Joanna Kuo, and Katherine Levine. 2011. "Culture War? A Closer Look at the Role of Religion, Denomination, and Religiosity in U.S. Public Opinion on Multiple Sexualities." In *Religion, Sexuality, and Politics*, eds. David Rayside and Clyde Wilcox, Vancouver: University of British Columbia Press.

Policy Reports and Other Publications

- Einstein, Katherine Levine and David Glick. 2016. "2015 Menino Survey of Mayors." Research Report. Boston University Initiative on Cities
- Einstein, Katherine Levine, David Glick, and Katharine Lusk. 2014. "Mayoral Policy-Making: Results from the 21st Century Mayors Leadership Survey." Research Report. Boston University Initiative on Cities.
- Einstein, Katherine Levine. 2014. "Polarized Regions: Race, Political Segregation, and Metropolitan Policy Consequences." *Marquette Lawyer*.

Grants/Awards

- *Research Grant*, Initiative on Cities, Boston University, \$8,360 (with David Glick)
Project Title: "What Mayors Think: National Politics in Local Policy" 2015
- *Best Paper Award*, Urban Politics Section, American Political Science Association
Paper: "Cities, Inequality, and Redistribution: Evidence from a Survey of Mayors." (with David Glick) 2015
- *Russell Sage Foundation Grant*, \$53,942
Project title: "Divided Regions: Racial Inequality, Political Segregation and the Splintering of Metropolitan America." 2013
- *Senator Charles Sumner Prize*, Department of Government, Harvard University 2012
Awarded to the best dissertation "from the legal, political, historical, economic, social or ethnic approach, dealing with means or measures tending toward the prevention of war and the establishment of universal peace."
- *Dissertation Research Fellowship*, Center for American Political Studies, Harvard University 2011-2
- *Dissertation Research Award*, Taubman Center for State and Local Government, Harvard University 2011
- *Howard T. Fisher Prize in Geographic Information Science*, Harvard University 2010
Awarded for paper: "Explaining Metropolitan Political Polarization: Political Segregation in New York City, Chicago, and Los Angeles."
- *Graduate Affiliate*, Institute for Quantitative Social Science, Harvard University 2009-2012
- *Graduate Research Fellowship*, National Science Foundation 2008-2011
- *Doctoral Fellowship*, Multidisciplinary Program in Inequality and Social Policy, Harvard University 2008-2012
- *Graduate Student Fellowship*, Department of Social Policy, Harvard University 2007-2008
- *Frank M. Patterson Fellowship*, Department of Political Science, Yale University 2006

- *President's Public Service Fellowship*, Office of New Haven and State Affairs, Yale University 2005

Works in Progress

- “Black Lives Matter: Grievance and Resource Mobilization as Predictors of Protest Activity.” With Kris-Stella Trump and Vanessa Williamson. *Under Review*.
- “Mayoral Ambition.” With David M. Glick, Maxwell Palmer, and Robert Pressel. *Under Review*.
- “City Learning: Evidence of Policy Information Diffusion from a Survey of U.S. Mayors.” With David M. Glick and Maxwell Palmer. *Under Review*.

Papers Delivered at the Following Conferences/Workshops

- Boston University Initiative on Cities Fiscal Leadership Summit: 2015
- SoCLASS III: Regulation, Law and Social Science (University of Southern California): 2015
- Boston University Law School Civil Rights Act of 1964 at 50 Conference: 2014
- Marquette Law School Divided Lines Conference: 2014
- Harvard-Manchester Social Change Initiative Summer Workshop: 2009
- Innovative Approaches for Using Publicly Available Data in Social Policy Research Conference: 2009
- American Political Science Association: 2011, 2013, 2014, 2016
- Association for Public Policy Analysis and Management: 2011
- Midwest Political Science Association: 2009, 2010, 2011, 2013, 2015, 2016
- Southern Political Science Association: 2015

Teaching

- *Instructor*, Department of Political Science, Boston University 2012-present
- American Politics Field Seminar (*Graduate-Level Course*)
- Inequality in American Politics
- Political Movements in America
- The Politics of the Wire
- Race and Politics
- Urban Politics and Policy

Referee Service

American Political Science Review, American Journal of Political Science, American Politics Research, British Journal of Political Science, Journal of Politics, Policy Studies Journal, Political Behavior, Political Research Quarterly, Urban Affairs Review

Ann D. Woodward

245 Renfrew Street, Arlington, MA 02476. 781-547-1520

Principal, Ann Woodward Consulting LLC. 2013 –

Solo consulting practice in non-profit management, strategic and program planning, program development and evaluation with focus on vulnerable populations and affordable housing. Clients have included NeighborWorks America, Nevada Housing and Neighborhood Development (Nevada HAND), the Melville Charitable Trust, Sisters of Charity Foundation of Cleveland, Funders Together to End Homelessness; interim executive roles at NeighborWorks, Funders Together and the Melville Charitable Trust. Website: www.annwoodwardconsulting.com

**Chief Operating Officer and Interim Executive Director, Melville Charitable Trust.
2009 – 2013**

First COO of private foundation dedicated to ending homelessness. Became Interim ED upon death of founding ED in June 2011; managed unplanned executive transition including advising board on strategic planning and executive search. Responsible for \$5 million annual grant-making, operations and finance, workout of \$14 million in program-related real estate investments in Hartford CT, replaced property management company, created asset management function and property disposition plan.

Vice President, National Development Consulting, Mercy Housing Inc. 2006-2009

Identified new consulting opportunities with specific focus on nine major Catholic health systems. Led Mercy's effort to increase the quantity and quality of permanent supportive housing for homeless and at risk families by providing internal and external advocacy and consulting to create or preserve supportive housing; conducting and disseminating research on new models and best practices; initiating common success measures; and influencing national policy on housing homeless and at risk populations. Locations for consulting work in 2007-09 included Chicago, Cincinnati, Denver, Tulsa, Milwaukee, Portland ME, Waco TX and Providence RI. Direct funders included Enterprise Community Partners, Annie E. Casey Foundation, and Fannie Mae.

**Vice President of Operations, Lakefront Supportive Housing/Mercy Housing Lakefront.
2005 – 2006**

As Vice President of Operations, provided interim leadership for the merger of Lakefront Supportive Housing with Mercy Housing Midwest to form Mercy Housing Lakefront in January 2006. Led Lakefront Steering Committee to ensure infrastructure, human resource and budget transitions were successful. Provided local leadership for over 150 Chicago staff in period after the departure of the Founding President and in the absence of the California-based interim President, including Board relations, government funder relations, communications, fund-raising follow-through and coordination with Housing Development and Property Management.

Vice President, Community Supportive Services, Lakefront Supportive Housing. 2003-2006

Led Services division of the Midwest's largest provider of supportive housing. Directed three departments of 50 staff in Employment Training and Education, Tenant Leadership and Tenant Services (modified case management). Managed operations of services budget of \$2.3 million that blended private, federal, state, and local government funds at 10 properties to serve roughly 1200 tenants who were homeless or are at risk of homelessness.

Community Development Consulting. 2002 - 2009

Selected clients and projects:

- **Community Preservation and Development Corporation, Washington DC.** Establish common language and integrated performance scorecards to increase alignment among

the resident services, housing development, and property management teams of a large affordable housing provider (2009).

- **The Annie E. Casey Foundation**, Baltimore. Author of *Handbook for Centers for Working Families* (2006), and *An Action Guide for Family Economic Success* for the Making Connections Initiative (2005).
- **The Center for the Study of Social Policy**, Washington D.C. Led development of content for new website on current best practice in Workforce Development, Asset Building and Community Investment for use by practitioners in 22 communities in the Annie E. Casey Foundation's national Making Connections initiative.
- **Boston Private Industry Council**. Conducted system analysis to examine impediments to full local utilization of Workforce Investment Act training vouchers.
- **Shorebank Advisory Services**, Chicago. Led team on grant from the Open Society Institute to assess targeted communities' economic development capacity to re-integrate ex-offenders (primary focus Louisville). Supported planning and implementation for Packard Foundation initiative to increase lending for childcare facilities development (Northern and Southern California).

The Annie E. Casey Foundation, Baltimore, Maryland. 2001

Fellow, Children and Family Fellowship Program

One of ten National Fellows in eleven-month mid-career leadership program of major national foundation fellowship that included trainings and independent field assignments:

- **Shorebank and Shorebank Advisory Services**, Chicago. Benchmarked management systems in comparison to other mid-sized national and international consulting firms.
- **The Brookings Institution, Center for Urban and Metropolitan Policy**. Conducted field research on housing market challenges in older suburbs in the Midwest.

Massachusetts Housing Finance Agency, Boston, Massachusetts. 1990-2000

Senior Community Services Officer (1992-2000)

Led newly-created Department of Community Services in Asset Management Division.

- Directed professional training programs that reached 10,000 housing professionals and residents/year in a portfolio of over 500 mixed-income rental housing developments; staff of 12 and 53 contract trainers.
- Created New England's first training programs to meet HUD Service Coordination Certification Standards; including intervention for at-risk tenancies, programs for youth, elders and Reasonable Accommodations for people with disabilities.
- Engaged property managers in crafting proactive responses to welfare reform.

Community Services Coordinator (1990-1992)

- Developed training and programs for family and elderly affordable housing.

City of Boston, Mayor's Office of Jobs and Community Services. 1986-1990

Associate Director for Programs and Planning (1989-1990)

- Directed five major divisions/70 employees for subcontracted delivery of \$17m federal/state/municipal resources for job training, adult literacy/youth alternative education and human services systems

Director of Planning (1986-1989)

Planner (1985-1986)

Education

Harvard University, Graduate School of Education, Ed.M.

Goethe Institute/University of Munich, Diploma in German Language and Literature

Cornell University, Bachelor of Arts with Distinction

Samarrah Clayman
116 Sylvia St. Arlington, MA 02476
917-370-1504 sbfine@gmail.com

Professional Experience

Brookline Improvement Coalition, Brookline, MA 09/10-present
Administrator/Director

- Responsible for day-to-day function of the organization including asset management, fiscal & administrative leadership and new project development.

Edith Nourse Rogers Memorial Veterans Hospital, Bedford MA 09/12-9/13
Veteran's Supportive Housing Social Worker

- Responsible for assessment, orientation, intake and clinical oversight for homeless veterans
- Provide housing search assistance and act as liaison to housing authorities and community providers

Jamaica Plain Neighborhood Development Corporation, Jamaica Plain, MA 03/12-6/12
Independent Consultant

- Managed commercial lease up for 6 commercial units, including lease negotiation & tenant selection.

Somerville Community Corporation, Somerville, MA 04/11-01/12
Independent Consultant

- Managed the rehabilitation and resale of an affordable condominium unit.
- Collaborated on multi-unit refinance project

Lenox Hill Neighborhood House, New York, New York 08/08-08/10
Social Work Intern/Coordinator of East Side Homeless Network/Housing Placement Specialist

- Coordinated collaboration between multi-agency network
- Facilitated case conferences and network-wide meetings
- Responsible for federal grant application, renewal and compliance process
- Managed scattered site graduate housing program and 54-unit supportive housing residence
- Conducted street outreach and counseling to chronically homeless individuals

Rodney Kirk Center at Manhattan Plaza, New York, New York 09/07-05/08
Social Work Intern

- Interviewed senior citizen residents as part of an annual revisit
- Developed and facilitated a building-wide elder abuse intervention
- Conducted outreach regarding emergency preparedness

The Corcoran Group, New York, New York 12/01-9/07
Licensed Real Estate Broker

- Collaborated with developers and other real estate professionals to plan and market new developments
- Wrote and edited marketing materials for website and newspapers
- Recognized for sales ability and for excellent customer service
- Received HUD/FHA approved Homebuyer Training Certificate

Vera Institute of Justice, New York, New York 04/01-06/02
Project Assistant/Project Manager

- Promoted to Project Manager after 5 months
- Created and tracked budget.
- Planned and implemented a demonstration project providing transitional services to men leaving prison.
- Developed curricula and taught classes in "Life Skills" and "Job Readiness."

Education

M.S.W. 2009
Hunter College School of Social Work, New York, NY

B.A. English 2000
University of Michigan, Ann Arbor, Michigan

- Gold Key National Honor Society
- Class Honors

MEMORANDUM

TO: Jennifer Raitt
Laura Weiner, AICP

FROM: Judi Barrett

RE: Arlington Zoning Review and Reorganization Framework

DATE: February 28, 2017

CC: Eric Halvorsen, Bob Mitchell

The purposes of this memo are to present comments on Arlington's Zoning Bylaw (ZBL) and provide a framework for recodification and reorganization.

A. ZONING COMMENTS

As the Town already knows, RKG provided an overview-level critique of the ZBL as part of our work on the Arlington Master Plan. We will not repeat those comments here unless we think it is important to emphasize a particular point or reinforce comments we heard during the audit phase of our current contract with you. With this in mind, we offer the following additional comments.

General Comments

- Throughout the ZBL, there are left-margin references to town meeting dates that need to be removed. The references are very confusing because they make it difficult to see transitions in section headings and subheadings and they disrupt the flow of the ZBL.
- The indentation of sections, subsections, and subordinate subsections is inconsistent. As a result, where sentences and paragraphs belong is not always clear.
- The ZBL contains many long, wordy paragraphs that should be divided into smaller paragraphs with short subheadings or (preferably) edited and condensed wherever possible.
- The ZBL contains many instances of imprecise and vague language and "legalese," all of which need to be cleaned up and edited to improve readability.
- Since the ZBL will be available online in PDF format, it should have hyperlinks to cross-reference internal sections and external content such as state laws.
- The existing illustrations need to be rethought, rewritten, redesigned etc. There are many opportunities for new illustrations as well.

Table of Contents

- Several section numbers have an asterisk attached (they have that within the actual sections as well). We did not find any explanation for the asterisk.
- The Table of Contents numbering system is slightly off. For example, see 6.20a, 7.05a, 8.07a. This should be cleaned up in the recodification (the entire numbering system needs to be revised).

Article 1. Title, Authority, and Purpose

- 1.02. Zoning is adopted under the authority of the Home Rule Amendment, not Chapter 40A.
- 1.03. Purpose. This is one example of a very long “Jamesian” paragraph. The first sentence consists of 177 words! It should be divided into subsections, bullet points, or similar format changes.

Article 2. Definitions

- 2.01 Definitions; General Comments.
 - The entire section needs updating, editing, and clarifying and to be made consistent with the land use terms and other terms in the rest of the ZBL. Also, any illustrations located within the Definition section should appear next to the terms they are illustrating.
 - Some defined terms have asterisks attached. Again, we did not find any explanation of the asterisks.
- 2.01 Definitions; Specific Comments.
 - Restaurants. The same or similar topics and terms should be combined with others that start with the same letter. Example: the current definition section has Drive-in Fast Service Establishment, Fast-Order Food Establishment, and Restaurant. Define these as “Restaurant – Fast Food; Restaurant – Fast Order; Restaurant, etc.
 - Hotel. The hotel definition is out-of-date for today’s hotel market and types of amenities often included (hotel suites with kitchens for example.)
 - Loading Space includes a waiver provision by the Building Inspector. This is an odd place for waiver language (it should be in the Off-Street Parking and Loading regulations).
 - Notice; this should be moved to the list of other sign types.
 - Open Space, Landscaped contains imprecise language. What “level” does this refer to: floor level, roof level, etc.?
 - Rehabilitation Residence. This is not the correct term for the use described – is it?
 - Special Permit should identify “the Board.”

Article 3. Establishment of Districts

- General Comment. This is more than the scope of recodification, but the Town needs to examine the need for so many different districts.
- Sections 3.01 and 3.02 should include the Overlay Districts.

Article 4. Interpretation and Application

This entire section should be incorporated into a larger Administration and Enforcement section.

Article 5. Use Regulations

- 5.05. Home Occupation. The language here should be consistent with the language in the Home Occupation definition in Article 2.
- 5.04. Table of Uses. Generally, the format needs to be revised so the table will be easier to read and use. It needs horizontal lines, colors, font size differences, etc. The list of uses and the language used for some of those uses should be revised and updated, and terms listed in the Table of Uses should be consistent with use terms listed in the Definitions section.
- 5.04 Table of Uses needs another numbering system (if any) other than 1.01, 1.02, 2.01, etc., as these numbers are used throughout the ZBL as section numbers. In addition, the numbering system needs to be corrected to put numbers in sequential order, rather than, for example, 1.02 and 1.02a.
- 5.04, items 2.07 and 2.10 include uses that cannot be required to obtain a special permit. These items have to be rewritten to distinguish between non-profit religious and educational uses and other uses.
- 5.04, Agricultural, needs to be rewritten to conform to G.L. c. 40A, § 3.
- 5.04, item 4.06. United States is not subject to local zoning, so federal uses cannot be required to obtain a special permit.
- 5.04, item 4.08. Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private gainful business. What does "country" mean?
- 5.04, item 4.14. Is "Conservation Land" allowed only in the OS district?
- 5.04, item 5.01. Reference to "railroad station" is obsolete and can be removed.
- 5.04, item 5.09. In the Table of Uses, bikeways are only allowed in the OS district. However, the Minuteman Bikeway crosses multiple districts.
- 5.04, item 5.10. This use is not allowed in any district. Is the omission an error in the Table of Uses?
- 5.04, items 5.11a and 5.11b. We question the legality of allowing only public buildings to be used for wireless facilities in three districts.
- 5.04, item 5.11c. We are not clear what this section means.

- Items 6.07, 6.07a, 6.08, 6.08a, 6.09, 6.09a, 6.12-6.15, and 6.18 and 6.18a should be rewritten to be "cleaner" in language and format. (This problem exists throughout the Table of Uses.)
- Item 7.10 reads as if the Board of Health is granting the special permit.
- Item 8.02 appears to violate G.L. c. 40A, § 3.
- Item 8.07. Delete use of the male pronoun.
- Item 8.21. What is a "head end" site?
- Item 8.24 should be moved to the signs section of the ZBL.

Article 6

- 6.01b. We have questions about how this could be enforced as well as its legality.
- 6.02. Is this section still required? Do local wetlands regulations and state regulations supersede?
- Table of Dimensional & Density Requirements, General Comment: this table should be restructured as to format for easier reading, etc.
- The Table and Sections 6.06, 6.08 thru 6.30. We have not spent a lot of time reviewing these sections because they need global editing. In general, though, there seems to be exceptions to exceptions to exceptions to the standards in the Table. The whole section is hard to follow on first (or second) glance.
- 6.08. This is the "famous" 750 sq. ft. addition provision. We heard lots of criticism of this section from interviewees. It needs to be rethought and probably rewritten, but it is more of a policy issue than anything else.
- 6.12d "... in accordance with the development plans and policies of the Town of Arlington". What would those plans and policies be? The language is extremely vague.
- 6.13 "height buffer." The diagram is not readable and does not seem to be understandable to people.
- 6.16. This section is for screening requirements. It should be in a Landscaping section of the ZBL, not in the Dimensional section.
- 6.18. Put this information in a well-formatted table.
- 6.18. The paragraph after the list of setbacks on page 73 includes a variety of topics. This should be disaggregated into subsections or bulleted points.
- 6.21. The diagram on page 75 refers to Section 6.21b, but we did not find a Section 6.21b
- 6.26 and Diagram. We find all of Section 6.26 difficult to follow and very confusing. We assume someone understands all the formulas for calculating height in this section. The diagram does not help.

Article 7. Signs.

- General Comments. This section needs to be updated, including to reflect the *Reed v. Gilbert* case, adding a table of sign types and dimensional requirements, adding illustrations/photos. In addition, there are numerous references to “free-standing” signs, but we only found height limits for some of those references. What are all the height limits for any free-standing sign?
- 7.03j. This section violates the *Reed* ruling.
- 7.04g. This prohibits signs for home occupations, yet some of the home occupations allowed by the bylaw would need a sign (e.g., doctor’s office).
- 7.04i. Prohibits signs with registered trademarks. We do not understand this.
- 7.05a. This seems very unfriendly to a bed and breakfast, with no lighting allowed and a sign that cannot be located at the drive/sidewalk entrance.
- 7.07a. Why not allow bracket signs in other business districts, given the multiple zoning districts in the Massachusetts Avenue commercial corridor, and other local commercial areas? (We heard this as an issue in the interviews, too.)
- 7.08. Change the use of personal pronoun in paragraph at the bottom of page 86. The Director could be (and in fact is) a she and not a him (“his”).
- 7.10. The nonconforming sign limitations on rewording, repainting etc. (and then losing nonconforming status) is questionable. We will ask Bob Ritchie to weigh in on this, but the Town should check with Town Counsel as well.

Article 8. Off-Street Parking and Loading Regulations

- General Comments. This section could be better organized. It should include illustrations/diagrams, and the numbering system needs to be reworked to include sequential numbers and not sometimes numbers and letters (example 8.07a and 8.07b), as often happens elsewhere in the ZBL, too. In addition, the Table could be rewritten to have far fewer words and to be more easily readable.
- Table of Off-Street Parking Regulations and Table of Uses (Article 5). What uses, if any, are missing from the Table of Off-Street Parking Regulations and should be included?
- 8.07. Prohibition of parking in the front setback is problematic (as we heard in the interviews). This may need more review and discussion.
- 8.07a. “Commercial” should be rewritten as “Business” in the title.
- 8.08. Include the regulations of commercial vehicle parking here in the parking section.
- 8.12a(10). The beginning of title is in a different font than the bylaw font. Is this intentional?

Article 9. Nonconforming Uses, Structures, and Lots

- General Comment. We heard concerns about this section during the interviews, but the comments tended to be somewhat non-specific. We will need to review Article 9 in greater detail with the Building and Planning Departments. At the very least, Article 9 needs to be updated and revisited in light of recent case law.

Article 10. Administration and Enforcement

- **General Comments.** The content of Article 10 should be moved to beginning of the ZBL. In addition, there are many long sentences and paragraphs with multiple topics. They should be reorganized into smaller numbered subsections for ease of reading.
- **10.02.** We recommend not going into detail about what plans should be submitted. Any changes, additions, deletions desired over time by the staff would require going back to town meeting. Provisions such as this should be in rules and regulations.
- **10.05** duplicates Section 7.08.
- **10.10c.** This seems to allow use variances as it mentions uses only, but it does not mention dimensional variances. This section should be rewritten for clarity.
- **10.10e (1)-(4).** Much of this language should be removed from the ZBL and placed in ZBA rules and regulations.
- **10.10e (5).** This section should have a heading, "Repetitive Petition," and it needs to be revised to add the second requirement of a finding of: "specific and material changes in the conditions upon which the previous unfavorable action was based."
- **10.11.** The first paragraphs should have a numbering system assigned to them and the information within should be disaggregated.
- **10.11 b-c.** Most of this language consists of procedural and/or plan requirements. It should be moved to the ZBA's rules and regulations.
- **10.12. Variances.** This section should be included in section 10.10c (see comments above).
- **Illustrations.** The illustrations on pages 112 and 113 are barely readable. We also question whether the special permit diagram is accurate.

Article 11. Special Regulations.

- **11.04. General Comment:** some sections of the Floodplain District are decades old. We believe this district needs further updating to reflect current FEMA regulations and possibly other requirements as well. Also, each subsection (a, b, c, d etc.) has an all capital letter heading – a style that is not used in most of the rest of the ZBL. This is another example of a format consistency issue.
- **11.05. Inland Wetland District.** We have the same comments as in 11.04 above. In addition, what is the relationship between the regulations of the Inland Wetland District and the Conservation Commission's wetland regulations?
- **11.06, Environmental Design Review.** We have several comments:
 - b.1a-i and b.2, b.3, and b.4 are uses that require EDR. They could all be put into a simple table for ease of use by the reader.
 - c.1 or c.2. It is unclear where the long paragraph in the middle of page 124 falls under in the numbering scheme. Its indentation does not clarify that question. The same applies to two smaller paragraphs directly above the long paragraph.



- 11.06c.1. The long paragraph in middle of page 124 is all procedural language. Again, this kind of language can be moved to the ARB's rules and regulations.
- 11.06d. This language is mostly what is required for plan submittal and it should be removed to rules and regulations.
- 11.06e This is mainly procedural language that should be moved to rules and regulations.
- 11.07. The language here identifies several requirements for plan filing, but it is not clear who the plans are filed with and who is acting on them.
- 11.08. Two general comment. First, this is another section with all cap headings, so the format is inconsistent. Second, we wondered how well this section is working to produce affordable housing (a policy issue, we realize).
- 11.09. This should be deleted because it no longer applies.

Article 12. Amendment, Validity, Effective Date

- General Comment. Include the content of this article with the section on Purposes and Authority.

Missing Provisions

We did not find the following provisions in Arlington's ZBL:

- Medical marijuana
- Airbnb
- Solar facilities



B. SUGGESTED FRAMEWORK FOR REORGANIZATION

1. Purposes and Authority
 - 1.1. Title
 - 1.2. Purposes
 - 1.3. Authority
 - 1.4. Applicability
 - 1.5. Amendments
 - 1.6. Severability
2. Administration and Enforcement
 - 2.1. Enforcement, Violations, Penalties
 - 2.2. Board of Appeals
 - 2.3. Arlington Redevelopment Board
 - 2.4. Special Permits
 - 2.5. Site Plan Review
 - A. Administrative Site Plan Review (DPCD)
 - B. ARB Site Plan Review (EDR)
3. Establishment of Districts
 - 3.1. Establishment
 - 3.2. Classes of Districts
 - A. Residence Districts
 - B. Business Districts
 - C. Industrial District
 - D. Overlay Districts
 - 3.3. Zoning Map
4. Use Regulations
 - 4.1. General
 - 4.2. Uses Permitted in All Districts
 - 4.3. Prohibited Uses
 - 4.4. Table of Use Regulations
5. Nonconforming Uses and Structures
6. Dimensional Regulations
 - 6.1. General
 - 6.2. Dimensional Standards
 - 6.3. Table of Dimensional and Density Requirements
7. General Regulations
 - 7.1. Off-Street Parking and Loading
 - 7.2. Landscaping
 - 7.3. Lighting
 - 7.4. Signs



- 8. Special Regulations¹
- 9. Special District Regulations
 - 9.1. Floodplain District
 - 9.2. Open Space District
- 10. Definitions

Index

¹ Here, for example, is where the town's Affordable Housing regulations would be located. Home Occupations and other uses that are subject to certain conditions or performance standards should be placed here as well.

Appendix I: Zoning Audit

MEMORANDUM

TO: Carol Kowalski, AICP
Laura Wiener, AICP

FROM: Judi Barrett, Director of Municipal Services

DATE: July 22, 2014

SUBJECT: Zoning Assessment

As part of our work on the Master Plan, we agreed to provide the Town with a zoning diagnostic: an analysis of the Zoning Bylaw (ZBL) for clarity, internal consistency, format and structure, consistency with the Zoning Act and current case law, general ease of use, and relationship to the stated goals of the new Master Plan. The attached technical memorandum presents our assessment of Arlington's ZBL. We discussed portions of this assessment in the Land Use Working Paper, which we submitted to you and the Master Plan Advisory Committee (MPAC) on December 31, 2013. Thus, some of the content of this memo will be familiar to you and the MPAC, and some of the content is new.

Massachusetts cities and towns have three primary land use management tools for regulating growth and change. They include: (1) the master plan or comprehensive plan, (2) zoning, and (3) subdivision control. Arlington is scheduled to complete the new Master Plan this year, so a zoning review is timely. In order to implement the Master Plan, Arlington will need to update and revise the ZBL. In its present form, the ZBL does not prescribe a vision of the Town that matches the goals adopted by the MPAC. The existing ZBL has all of the traits of a frequently amended bylaw that is nevertheless fashioned around an antiquated framework. This "quilted" approach has resulted in a bylaw that is in many ways disjointed and confusing, and may be vulnerable to legal challenge.

The ZBL may have served Arlington well in the past, but it has become evident that deficiencies exist and improvements need to be made. The ZBL was originally adopted in the 1920s and since then, Town Meeting has periodically amended it. As with any other zoning bylaw we have reviewed for other towns, Arlington's ZBL accumulated some inconsistencies and duplication as it was amended over time. It also has provisions that



may have been acceptable in the past but are not consistent with the Zoning Act, G.L. c. 40A, or current case law.

In situations like this, the most appropriate way to proceed is a two-step zoning revision process: recodification first, and second, comprehensive zoning (and map) amendments to implement the policy objectives of the master plan. It is always tempting to take on the latter as a first order of business because town boards, the general public, and certainly property owners and developers find policy changes more interesting. However, adding new tools to a deficient foundation is a prescription for problems. Communities invariably confront this when they begin the recodification process and find out that fixing basic wording problems can be far more complicated than they expected.

For budgetary purposes, we believe the Town should appropriate \$35,000 to \$40,000 in FY 2016 to recodify the ZBL. Since recodification involves no major policy changes, it does not have to be designed or conducted as a "meeting-intensive" project. Recodification is typically done by a consultant working with a committee or group of "expert" advisors, periodic work sessions with the Arlington Redevelopment Board, the Board of Appeals, and staff, and perhaps with two or three significant progress meetings for the general public. Unless there are map errors that have never been identified, recodification is typically a six- to nine-month endeavor. Any consultant embarking on a recodification assignment will conduct an independent diagnostic, but this memo may be helpful to the consultant the Town decides to hire.

A. FINDINGS

- In its present form, the Arlington Zoning Bylaw (ZBL) is difficult to navigate and often difficult to interpret.
- There is an immediate need to reorganize and reformat the ZBL so that its requirements are easier for the public, town boards, staff, and applicants and their representatives to understand. Additional and better illustrations would help everyone.
- The ZBL should be reorganized and reformatted to clarify and make obvious the procedures for site plans, Environmental Design Review, special permits, variances, appeals, rezoning, and so forth.
- As written, the ZBL will not be able to implement key goals of the new Master Plan.
- Setbacks and other dimensional and design standards should be adjusted to facilitate infill development. The suburban standards in the ZBL may be appropriate for lower-density residential and neighborhood business areas, but they are poorly suited for infill and mixed-use areas. In particular, the Town needs to revisit its building height regulations and may want to revisit its floor area ratio (FAR) standards. FAR has some purposes, but it is a fairly blunt tool and not effective for regulating building form.
- The Town's off-street parking regulations need to be overhauled and modernized to address current trends in land use, economic development, and transportation planning. Consideration should be given to establishing maximum instead of minimum parking requirements. Even if Arlington decides to maintain the present minimum-number-of spaces-per-unit approach, off-street parking requirements should be waived for very small business establishments and significantly reduced for upper-story offices.
- The Town should give staff authority to conduct Site Plan Review for small projects that currently trigger Environmental Design Review (EDR). This could help to improve the development review process and encourage reinvestment in older areas of the Town.
- Reliance on special permits creates uncertainty for developers and their neighbors, as well as burdensome administrative processes and expenses. It also complicates accountability in the permitting process and creates a high risk that applicants will not be treated equitably.
- The ZBL should address emerging trends in land use and development. In addition to needs for greater housing diversity and mixed use development, the ZBL should



address urban agriculture, use of alternative energy sources, and neighborhood-based businesses to ensure that these uses are provided for and compatible.

- The present definition of “family” is more accommodating than many such definitions in other communities, but it should be reviewed and considered with federal Fair Housing Act (FFHA) regulations in mind. The limitation of four unrelated individuals may work for some types of households, but it probably does not work for a majority of group homes for adults with disabilities and some types of “non-traditional” households composed of related and unrelated people. Any zoning revision process conducted today needs to be conscious of recent and proposed FFHA regulations, especially as they pertain to families and the need for reasonable accommodation of people with disabilities.

B. ZONING OVERVIEW

The Arlington Zoning Bylaw (ZBL) consists of twelve major sections:

- Article 1: Title, Authority, and Purpose, establishes the ZBL’s scope of authority (Section 1.02) and purposes (Section 1.03). The scope of authority section refers to G.L. c. 40A, the Zoning Act, but omits any reference to the Home Rule Amendment and Chapter 808 of the Acts of 1975. The Home Rule Amendment in particular should be identified in the scope of authority to clarify that the Town’s zoning is not limited (or “disabled”) by Chapter 40A.
- Article 2: Definitions, includes definitions of terms used throughout the ZBL.
- Article 3, Establishment of Districts, identifies the Town’s nineteen use districts, provides a purpose statement for each district, establishes the Zoning Map, and describes how zoning boundaries should be interpreted. The overlay districts (floodplain and inland wetlands) are not identified in Article 3.
- Article 4: Interpretation and Application, contains provisions that are typically incorporated in other sections of a ZBL. This article explains the ZBL’s relationship to other laws and regulations and its applicability to uses and structures that existed prior to adoption of the ZBL (and subsequent amendments). There is also a section that addresses mixed uses on a single lot (Section 4.04). This paragraph has relevance to a discussion later in this memorandum.
- Article 5: Use Regulations, is primarily Sec. 504, the Table of Uses. This is an 18-page display of use regulations organized by major class and some sub-classes (residential, institutional, agricultural, public/recreational, utilities/transportation, commercial, personal/business services, eating/drinking establishments, office, wholesale, light industry, and accessory uses).



- Article 6: Dimensional and Density Regulations, which consists of a Table of Dimensional and Density Regulations with table notes and several pages of text regulations as well. This section is among the more challenging sections of Arlington's ZBL, in part due to format and in part because it has been amended so many times. In order to understand what can be done with a given parcel of land, one must read both the Table and text because the text sections contain interpretation, exceptions, additional requirements, and so forth. In addition, Sec. 6.08, Large Additions in Residential Districts, has an impact on extensions or alterations on substandard lots that are otherwise governed by Article 9.
- Article 7: Signs, which contains the regulations on number and size of signs for each district in Arlington. There are sign regulations for permanent and temporary signs. This chapter of the ZBL appears to have been amended many times and needs to be overhauled. Some consideration should be given to reorganizing the material in tables.
- Article 8: Off-Street Parking and Loading Regulations, consists of a table of parking regulations, i.e., minimum required number of vehicular parking spaces per dwelling unit or per sq. ft. of use on nonresidential lots. This article also has bicycle parking standards, which is commendable for Arlington because many suburban zoning bylaws are silent on bicycle parking. In Arlington, bicycle parking requirements are triggered by Environmental Design Review (discussed later in this memo), and the number of bicycle spaces is generally a ratio to number of vehicle spaces.
- Article 9: Nonconforming Uses, Structures, and Lots tracks the provisions of G.L. c. 40A, § 6, for the continuation, expansion or alteration of uses and structures that lawfully pre-existed the effective date of the ZBL and subsequent amendments to it. This section appears to allow some types of projects that would otherwise be reviewable under Bjorkland v. Zoning Board of Appeals of Norwell (2008). We recommend that Town Counsel review Article 9 for consistency with recent case law. There have been several recent Appeals Court decisions that may have bearing on an update of Article 9.
- Article 10: Administration and Enforcement, is a fairly standard section that describes the requirements for a building permit, outlines the powers and duties of the Board of Appeals (generally in concert with G.L. c. 40A, § 12), and appeals. The Town has inserted permitting flow charts for special permits and variances at the end of Article 10.
- Article 11: Special Regulations, is a "catch-all" section for provisions that do not have a clear home elsewhere in the ZBL. Article 11 includes the Town's floodplain and wetlands district regulations, as well as Arlington's Environmental Design Review (EDR) process. EDR is a "super site plan review" special permit process that consolidates the operational, environmental, and architectural and site design



components of project review under one board, the Arlington Redevelopment Board (ARB). It applies to construction on any site bordering the Town's major roadways; construction of any residential use with six or more units; inns, hotels, motels exceeding certain size thresholds; nonresidential uses over 5,000 sq. ft. in residential districts; outdoor uses (not defined), and temporary signage at a seasonal athletic facility. It also applies to the Planned Unit Development and Multi-Use Districts, and parking facilities in the Open Space District.

Article 9 also provides Arlington's inclusionary housing requirements. Arlington 15 percent of the units in new developments and other projects subject to EDR to be affordable units eligible for the Chapter 40B Subsidized Housing Inventory (SHI).

- Article 12: Amendment, Validity, and Effective Date, is a standard section of any zoning ordinance or bylaw. It specifies the procedures for zoning amendments (consistent with G.L. c. 40A, § 5, and contains a severability clause (in the event that some portion of the ZBL is invalidated, the rest of the ZBL will still stand).

There is nothing particularly unusual about the organization of Arlington's ZBL. It needs reformatting for ease of use, and some paragraphs should be relocated. However, the ZBL's format and organization do not present as many problems as some of its substantive provisions. The following sections of this report provide a discussion of issues identified during our review. Several of these issues have been pointed out at MPAC meetings, in discussions with Town staff, or in the Land Use Working Paper (12/31/2013).

1. Format and Organization

A ZBL should be a usable reference document for the average resident. Town officials and staff, developers, attorneys, and engineers and architects need a well-organized code, but the format and organization of a ZBL should make it possible for reasonably motivated residents to find the rules that apply to their own property and the property next door. A clearly written ZBL can still be "unfriendly" to users if it is poorly organized or formatted in a way that makes it hard to find information. Techniques to make a ZBL readable to a wide variety of audiences include:

- Providing a table of contents with article numbers, section numbers, and the numbers or letters for major subsections;
- Providing an index;
- Adopting and applying a consistent numbering system and indenting each tier of a numbered outline;
- Following a consistent approach to cross-referencing;
- Citing the dates of adoption and amendment;



- Providing page layouts that include running headers, page numbering, the current date of the ZBL, and plenty of white space;
- Using tables and illustrations;
- Using bold type to signal major headings and sub-headings;
- Locating all definitions in a single section or, alternatively, listing all defined terms in a single section and for definitions located elsewhere, cross-referencing those sections so the reader knows how to find them; and
- Adopting a framework for dividing the contents of a ZBL into coherent sections.

Arlington's ZBL adheres to some of these principles. For example, the major section headings are highlighted (in bold type), pages are numbered, and the section numbering system is reasonably consistent. In most cases, amendment dates appear in appropriate (easy to find) locations as well. However, the ZBL omits some of these features, too. All of the existing formats appear in fairly dense page layouts that lack running headers. Except for Article 2, Definitions, the ZBL contains very few illustrations. Some reorganization and consolidation of sections would help to improve the ZBL. In general, the Arlington ZBL would meet the needs of a wider group of users if the document were designed for readability and ease of access.

2. Tables

Arlington uses tables to present some comparative information, such as use regulations and density and dimensional standards. Tables have some advantages. For example, a table reduces the risk of error as a ZBL is amended over time. If a use is listed in a table of use regulations as permitted in several districts and the community wants to convert it to a special permitted use in one district, the table can simply be amended by replacing "P" with "SP" in the column that applies to that district.¹ Tabular formats also make efficient use of space.

Tables can be particularly effective at conveying information if they include lines, colors, or shading, alone or in combination, as an aid to the reader. Multiple columns and rows should be delineated in some manner or the table will be difficult to interpret. Simple techniques such as shading applied to every other column, or graduated shading to depict lower to higher density, provide graphic reinforcements that can help a reader interpret standards and understand relationships between them. Arlington's existing Table of Use Regulations contains only one type of delineation: vertical (column) separators between groups of use districts. The table includes a column for each district and a total of nineteen

¹ By contrast, for an outline format that follows the traditional hierarchy of most to least restrictive districts with "nested" uses, amending a use provision in a more restrictive district could lead to unintended consequences in one of the less restrictive districts.

districts, but separators appear only between major classes of use, e.g., separating the eight residential districts from the six business districts. Due to the number of districts on each page and the very small font size required to accommodate so many districts, the absence of better visual definition makes the table difficult to read. This is an example of a simple-to-fix issue that needs little elaboration here. Suffice it to say that table design is no less important than overall page design choices to create a usable, understandable reference document.

3. Access and Ease of Use

Since experienced town officials and staff often work with the ZBL, they probably can find obscure provisions with ease. However, the resident who simply wants to understand the requirements for expanding a garage or constructing an in-ground swimming pool needs some basic navigation aids. In addition to the table of contents, an index and possibly a quick reference guide would make the ZBL more accessible not only to residents, but also newly elected or appointed town officials, developers and their consultants, and non-resident landowners.

C. POLICY FRAMEWORK

The new Master Plan promotes several goals that relate directly or indirectly to land use. It is important to acknowledge them here because they have an impact on the zoning assessment.

A zoning ordinance or bylaw should express a community's development blueprint: the "where, what, and how much" of land uses, intensity of uses, and the relationship between abutting land uses and how they relate to the roads that serve them. Ideally, one can open a ZBL and understand what the community wants to achieve. While many aspects of Arlington's ZBL are fairly straightforward, it is not always as clear as it should be due to a combination of drafting problems and organizational weaknesses. In addition, we understand that staff and officials do not always interpret the ZBL the same way. Aside from deficiencies with the existing ZBL, the new Master Plan promotes goals that Arlington will find it very difficult (if not impossible) to meet without a comprehensive zoning update. These goals include, from Land Use and other elements:

- Balance housing growth with other land uses that support residential services and amenities.
- Encourage development that enhances the quality of Arlington's natural resources and built environment.
- Attract development that supports and expands the economic, cultural, and civic purposes of Arlington's commercial areas.
- Maximize the buildout potential of commercial and industrial properties.



- Preserve and maintain Arlington's historic structures and cultural properties to leverage economic development.
- Encourage mixed-use development that includes affordable housing, primarily in well-established commercial areas.
- Provide a variety of housing options for a range of incomes, ages, family sizes, and needs.
- Ensure that Arlington's neighborhoods, commercial areas, and infrastructure are developed in harmony with natural resource concerns.

1. Use Districts

Arlington adopted its first Zoning Bylaw in 1924, but the version currently in use was adopted in 1975 and it has been amended many times since then. It divides the town into nineteen use districts (see Zoning Map), or areas zoned for residential, commercial, industrial, or other purposes. There is nothing inherently wrong with a large number of zoning districts as long as the regulations make sense "on the ground." In many cases, especially along Massachusetts Avenue, Arlington essentially zoned the land for whatever purpose existed at the time, which in turn makes for an odd arrangement of districts - and often results in very shallow, single-parcel districts. Some districts are also divided by Massachusetts Avenue, i.e., different districts on opposite sides of the road.

Table 1. Zoning Districts by Land Area					
Abbr.	District Name	Acres	Abbr.	District Name	Acres
R0	Large Lot Single Family	238.2	B1	Neighborhood Office	25.9
R1	Single Family	1,771.5	B2	Neighborhood Business	16.9
R2	Two Family	619.7	B2A	Major Business	22.2
R3	Three Family	8.3	B3	Village Business	30.2
R4	Town House	19.4	B4	Vehicular Oriented Business	30.0
R5	Apartments Low Density	63.7	B5	Central Business	10.3
R6	Apartments Med Density	49.0	I	Industrial	48.7
R7	Apartments High Density	18.7	MU	Multi-Use	18.0
OS	Open Space	275.9	T	Transportation	0.8
PUD	Planned Unit Development	16.2		Total Acres (w/out water)	3,283.6

Source: Arlington GIS. Table omits water area.

There is also a wetlands protection (conservancy) overlay district that appears only in part on the Zoning Map. Like many towns in Massachusetts, Arlington has an Inland Wetlands District that pre-dates the adoption of G.L. c. 131, § 40, the Massachusetts Wetlands Protection Act. The Zoning Bylaw relies on a text description for some covered wetlands that are not specifically mapped, e.g., 25 feet from the centerline of rivers, brooks, and streams, despite a requirement of the state Zoning Act (Chapter 40A) that all districts be



mapped.² As part of the master plan implementation process, the Town may want to review the continued relevance of the Inland Wetlands District. Some communities have found that administering a zoned wetlands district creates conflicts or inconsistencies with the Conservation Commission's work under G.L. c. 131, § 40.

People usually think that the name of a zoning district indicates what the land can be used for, and to a point, this is true in Arlington. As suggested by the charts above, the amount of land zoned for various purposes aligns fairly well with the amount of land actually used for those purposes, but there are exceptions. For example, Arlington has less land devoted to single-family homes than the land zoned for single-family home development. This is partially because public service uses such as schools and parks often occupy land in residential neighborhoods. Curiously, the only district in which Arlington allows adult uses is the Central Business District (B5), the purpose of which is "to reinforce the Center's role as the focus of activity in Arlington..." Moreover, the bylaw has no regulations to control the location or extent of adult uses within the B5 district. This should be addressed soon.

Not much of Arlington's industrially zoned land is used for industrial purposes. While the town has zoned about 49 acres for industrial development, a comparison of the Zoning Map and assessor's records shows that only fourteen acres (about 29 percent) of the Industrial District is actually used for industrial purposes such as manufacturing, warehouse/distribution, storage, and related office facilities. One reason for these differences is that Arlington allows non-industrial uses in the industrial districts. Some of the non-industrial uses may also be "grandfathered," i.e., pre-existing nonconforming uses that were legal when created but do not comply with current zoning requirements. According to the assessor's data, the largest individual users of industrial land in Arlington are municipal (e.g., the DPW compound on Grove Street), the Gold's Gym site on Park Ave., a warehouse/storage facility on Ryder Street, and one of several auto repair facilities currently operating in Arlington. In fact, auto-related businesses account for most of the Industrial District's commercial uses: auto repair shops, gasoline station, and commercial parking. Some of these uses are likely strong candidates for redevelopment and reuse.

The six Business districts have also been developed for many uses in addition to the commercial uses for which they are principally intended. Information reported in the assessor's database shows that over half of Arlington's business-zoned land is used for some type of commercial use – retail, restaurants, offices, and so forth – but 20 percent is used for residential purposes, from scattered-site single-family homes to fairly dense apartments. Unlike its policies in the Industrial district, Arlington allows multifamily housing by special permit in most of the Business districts, and some of the apartments and townhouses located on business-zoned land came about because of this provision in

² G.L. c. 40A, § 4.



the Zoning Bylaw. Based on comments made at master plan meetings, it seems that Arlington residents do not realize their zoning provides for a change from nonresidential to residential uses by special permit. An oft-heard complaint at public meetings and in interviews was that Arlington should stop "rezoning" commercial land for residential development, but the zoning to allow these kinds of changes in use already exists in Arlington. For example, Arlington encourages single-family homes by allowing them by right in all residential and business districts, and two-family homes by right in most districts, even those ostensibly purposed for business uses.

Since the outset of the Master Plan process, residents have said they favor providing for mixed-use development along portions of Massachusetts Avenue. They say mixed uses promote sustainability and support sound economic development principles, and may support housing affordability. The MPAC's master plan goals also contemplate mixed-use development in the Business districts, and mixed uses currently occupy several historic buildings in the Industrial and Business districts. Arlington's zoning does not specifically provide for mixed-use buildings, i.e., with first-floor commercial space and upper-story residential space, but on this point, the ZBL is very unclear. In Section 3.02, the Village Business District (B3) description provides, in part: "Multi-use development is encouraged, such as retail with office or business and residential," yet multi-use development is not specifically listed as permitted or allowed by special permit in the Table of Use Regulations. However, in Section 5.02, Permitted Uses, the ZBL provides:

A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use [emphasis added] as listed in Section 5.04 "Table of Use Regulation." For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses. In the case of existing commercial uses, the addition or expansion of residential use within the existing building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property [emphasis added].

It seems indisputable that at some point in the recent past, town officials contemplated mixed-use activity in the districts listed in Section 5.02. Past plans also promote the inclusion of mixed-use buildings in the commercial centers,³ and comments at the public meetings for this plan indicate that many residents would like to see mixed-use development as well. Still, as one commenter noted, "Everyone wants more great things, but no one wants them near their own house."

³ See, for example, Larry Koff Associates, *A Vision and Action Plan for Commercial Revitalization* (July 2010).

2. Use Regulations

The Table Use Regulations in Section 5.04 identifies a variety of land uses that are allowed by right or special permit in each zoning district. The land uses fall into the following categories:

- Residential
- Institutional & Educational
- Agricultural
- Public, Recreational and Entertainment
- Utility, Transportation and Communications
- Commercial & Storage
- Personal, Consumer and Business Services
- Eating & Drinking
- Retail
- Office Uses
- Wholesale Business and Storage
- Light Industry
- Accessory Uses

In general, Arlington's Table of Uses is very restrictive. The vast majority of uses are allowed only by special permit (SP) from the Arlington Redevelopment Board (ARB). That Arlington has so many special permit options makes it nearly impossible to develop a plausible forecast of the Town's so-called buildout potential, i.e., the difference between the amount of development that exists now and that which could still be built under existing zoning. At best, one can only identify properties that are good candidates for redevelopment and estimate the maximum amount of space that could be accommodated on site, given coverage, height, parking, and other requirements. The Town should conduct a comprehensive review of these special permits and consider changing them to permitted uses subject to appropriate performance requirements. Special permits have an important place in growth management, but they can also discourage reinvestment.

- **Residential.** These uses include a broad range of residential building types, from single-family detached homes to various multi-family types, dormitories, assisted living



facilities, and hotels. Single-family detached units are allowed in all districts except MU, I, T, and OS, and two-family dwellings are allowed in the same districts except RO and R1 (single-family districts). Allowing single family homes and duplexes in nearly all districts is sometimes referred to as cumulative zoning, which can result in incompatible uses (e.g., single family dwellings in a central business district may not be appropriate). All other residential uses are only allowed by special permit in the other zoning districts, which is highly restrictive.

- **Institutional & Educational.** These uses include community centers and related civic uses, hospitals, schools, daycare facilities, and cemeteries and similar types of uses. All uses in this category are only allowed by special permit in each zoning district except that private schools and institutions are allowed by right in Business Districts B2 through B5. This is highly restrictive.
- **Agricultural.** Agricultural uses include a range of farming (except livestock), sale of garden and agricultural supplies, and greenhouse uses. They are allowed by right in all zoning district as is common in Massachusetts. However, various forms of urban agriculture should be considered by the Town as being appropriate in more urban settings such as the village centers and central business districts.
- **Public, Recreational, and Entertainment.** The uses include a variety of public and civic services as well as recreational uses which are allowed by right in most zoning districts. Other uses such as a post office, private recreational business, construction yards, theaters, and outdoor amusement is only allowed by special permit and is specific districts.
- **Utility, Transportation, and Communications.** These uses include bus, rail, and freight facilities, public and private parking facilities, and telephone utilities. All uses are allowed only by special permit in a limited number of districts except overhead utility poles which are allowed in all districts.
- **Commercial & Storage.** These are auto-related sales and service businesses are restricted by special permit only in B4, PUD and I zoning districts.
- **Personal, Consumer, and Business Services.** These uses include print shops, financial institutions, various personal services, laundry services, consumer service establishments, funeral homes, veterinary clinic. These uses are allowed by right and special permit on in selected business districts as well as the PUD and I districts. Only funeral homes are allowed in residential districts R5-7 by special permit. There are performance standards related to size for financial institutions (2,000 gross sq. ft. requires a special permit) and laundry and consumer services (more than 5 employees requires a special permit in some districts).



- **Eating & Drinking.** This category includes traditional restaurants, fast food establishments, drive-in establishments, and catering services which are allowed by right primarily in the business districts. There are performance standards related to the size of the restaurants requiring a special permit for those bigger than 2,000 gross sq. ft. and on lots greater than 10,000 sq. ft., which is a fairly low standard for a typical restaurant. There are no specific "drinking" establishments identified such as bars, pubs or taverns which apparently are not permitted in town.
- **Retail.** Retail uses have performance standards related to size so that stores of 3,000 gross sq. ft. or more require special permits in business districts B2-B5 under the assumption that they are serving more than just the needs of "the residents of the vicinity". This is a fairly low size threshold for local businesses that may in fact be serving a primary market of customers in the surrounding neighborhoods.
- **Office Uses.** This categories includes professional, business, medical and technical offices allowed by right and special permit in the higher density residential districts, business districts, and MU, PUD and I districts. General offices also have performance standards related to size requiring special permits for those 3,000 gross sq. ft. or more, which is also a fairly low threshold.
- **Wholesale Business and Storage.** These uses all require special permits and are limited in the B2A, B4, and the industrial district.
- **Light Industry.** These types of uses are mostly allowed by right in the industrial district but restricted by special permit in the B4 district. Only research and development facilities area allowed by right or special permit in a broader high density residential, business and industrial districts.
- **Accessory Uses.** This category includes a diverse range of uses from private garages, home occupations, accessory dwellings, nursery schools, auxiliary retail, and storage. They are allowed by right and special permit in broad range of zoning districts, as appropriate.
- **Mixed Uses.** Mixed-use development is available on a limited basis in Arlington. The only Mixed Use district in town is located on the former Symmes property. (See pages 10-11 of this memo.)

D. DENSITY AND DESIGN

Arlington has adopted a fairly prescriptive, traditional approach to regulating the amount of development that can occur on a lot (or adjoining lots in common ownership). The Town's basic dimensional requirements cover several pages in the Zoning Bylaw, including some twenty footnotes that either explain or provide exceptions (or both) to the Table of Dimensional and Density regulations. In addition to minimum lot area requirements, Arlington regulates **floor area ratios**, lot coverage, front, side, and rear yards,



building height, and minimum open space. In most districts, the maximum building height is 35 feet and 2 ½ stories – traditional height limits for single-family and two-family homes but challenging for commercial buildings – yet apartment buildings in some of the business-zoned areas can be as tall as 60 or 75 feet, and possibly higher with an Environmental Design Review (EDR) special permit from the ARB (Section 11.06 of the bylaw).⁴

The Zoning Bylaw lacks requirements such as building placement on a lot and building orientation, or tools that could help to regulate form in a coherent way, and in a way that comports with Arlington's historic development patterns. Due to the prevalence of one-parcel districts along Massachusetts Avenue, the Town essentially requires variable building setbacks from lot to lot, though most of these properties have some zoning protection for pre-existing conditions. Still, a project involving parcel assembly and new construction would have to comply with Arlington's zoning, and it is not clear that the result would be harmonious with adjacent uses.

1. Residential Districts

- **Lot Requirements.** The Minimum Lot Size for residential uses ranges from 5,000 to 9,000 and appears to be consistent with the prevailing development patterns in the various neighborhoods and underlying zoning districts. Large lots sizes are required for multi-family buildings as expected. The Minimum Frontage requirements are also generally consistent with prevailing development patterns in the neighborhoods and underlying zoning districts. One exception is that Town House structures require 20,000 square feet (sq. ft.) and 100 feet of frontage. This is inconsistent with typical townhouses which are attached single family homes on separate lots. They typically have frontage widths of 16 to 30 feet and lot sizes as small as 2,000 square feet. The standards revised to reflect this building form and a limit should be placed on the number of attached townhouses that are permitted without a break (such as 9 to 12).
- **Intensity of Development.** These standards including Maximum Floor Area Ratio (FAR), Lot Coverage Maximum Percent, and Minimum Lot Area/D.U. appear to be reasonable and consistent with prevailing development patterns in the neighborhoods and underlying zoning districts. One exception is that townhouses typically have higher FARs than 0.75. These building forms should be considered separately from apartment houses and office structures in the dimensional requirements.
- **Minimum Yards.** The Front, Side, and Rear setback requirements appear to be consistent with the prevailing development patterns in the neighborhoods and underlying zoning districts.

⁴ The Planning Department notes that since cellars do not count toward the calculation of maximum building height, they can effectively cause structures to be taller than 35 feet.

- **Building Height Maximum.** The maximum height and stories, typically 35 feet and 2 stories in the lower intensity residential districts and 40 feet and 3 stories in the higher density districts, appear to be consistent with prevailing development patterns in the neighborhoods and commercial corridors. However, if Arlington wants to provide for a broader range of housing types, taller buildings and a reduction in square feet per dwelling unit may be necessary in selected areas. These kinds of incentives can be augmented with an increase in the percentage of usable open space on a site with access to the surrounding area.

- **Open Space Minimum Percentage of Gross Floor Area.** Required Landscaped and Usable open space appears to be consistent with the prevailing development patterns in the neighborhoods and underlying zoning districts.

2. Business Districts

- **Lot Requirements.** The Minimum Lot Size and Minimum Frontage are reasonable and consistent with prevailing development patterns and context of the different districts. For example, no minimum lot size and 50 feet of frontage for most uses in the village centers is a context-based dimensional standard.

- **Intensity of Development.** The Floor Area Ratio range of 1.0 to 1.4 are reasonable and can potentially be adjusted with a special permit. Lot coverage is not applicable for the most part as it should be. The minimum lot area per dwelling unit may be a deterrent to mixed use development and unnecessary in areas such as the village center. The amount of area needed for commercial lots will always be driven by the amount of parking either required on site or actually needed. Adding artificial standards that increase lot size without a particular benefit to the inhabitants is not advised. The requirements for landscaped and usable open space are more of a factor in mixed use and attracting residents to live in village centers.

- **Minimum Yards.** The minimum front, side and rear yard requirements coupled with the landscaping and screening standards where necessary appear to be consistent with existing development in the various business districts. For example, in the B3 and B5 districts which cover the vast majority of land in the village centers, there are no front or side setback requirements, which allows buildings to be placed at the edge of the sidewalk, thereby maximizing the pedestrian environment. However, this does not guarantee that buildings be close to the street. They could be set back, diminishing walkability and street activation, because the Town does not have building placement and occupation standards in areas that cater to pedestrians, e.g., Arlington Center, Arlington Heights, and East Arlington.

- **Building Height Maximum.** The maximum number of stories and height appears to be consistent and provide incentives for new infill development in the various business districts. However, in certain areas where 2 or 3 stories are typical, a building of 5

stories and 60 feet may appear out of context and scale with the surrounding area. This type of impact could be mitigated with additional setback or building step backs, or a combination of thereof.

- **Open Space Minimum Percentage of Gross Floor Area.** These requirements appear reasonable but may need to be more specific in certain districts. Landscaping in most business districts should be primarily focus on streetscape enhancements (street trees, planters, and hardscapes such as plazas and seating areas), shading of parking lots, and screening from abutting uses where necessary. Usable open space in the village centers is critical. This can take place on individual lots (such as dining terraces, forecourts, etc.) and collective spaces such as plazas, commons, greens, and pocket parks. These usable open spaces are a significant draw to the districts and can be publically owned or privately owned with property owners in the district contributing to their establishment and maintenance in lieu of on-site requirements.

3. MU, PUD, I, T and OS Districts

- Requirements for lot size, yards, building heights, intensity of development, and open space in the MU, PUD, I and T districts are fairly minimal and flexible, providing additional incentives for redevelopment. Regulations for the Open Space district (OS) are very strict, for this district includes public parks, conservation lands, and open spaces.

4. Other Requirements

Arlington's **Environmental Design Review (EDR)** process blends an enhanced form of **site plan review** with authority for the ARB to grant special permits for almost all uses that require special permit approval in the Table of Uses. This includes a wide variety of use classes and types of activity. For example, the Town requires an EDR special permit for any construction or alteration of buildings regardless of use along Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets, and Broadway – Arlington's historic main roadways – as well as residential development of six or more single-family or two-family units on one or more contiguous parcels, all multi-family housing, and all nonresidential uses that exceed specified floor area thresholds. The ARB conducts design review as part of the EDR process under Section 11.06, but the Town has not formally adopted design guidelines for the commercial areas. It would be difficult for property owners and developers to know what the Town actually wants and to plan their projects accordingly.

Off-Street Parking. Arlington requires all land uses to provide off-street parking. In many ways, the Town's off-street parking requirements are quite thoughtful. For example, requirements such as one space per 300 sq. ft. of retail development and one space per 500 sq. ft. of office development are fairly reasonable compared with the rules that apply in many towns. Arlington also provides for off-street parking on premises other than the lot served (i.e., off-site parking), if the permitting authority finds that it is impractical to construct the required parking on the same lot and the property owners have a long-term



agreement to secure the parking. In addition, Arlington allows substitution of public parking in lieu of off-street parking if the public lot is within 1,000 feet of the proposed use. Consistent with the purpose statement of Section 8.01 (Off-Street Parking and Loading Regulations), Arlington prohibits front yard parking in residential areas in order to promote aesthetically pleasing neighborhoods, preserve property values, and avoid undue congestion. Arlington has adopted bicycle parking requirements for lots with eight or more vehicular parking spaces, too.

Despite (or perhaps because of) the Town's generally reasonable parking standards, complaints about inadequate parking abound in Arlington. Property owners and merchants say the situation in East Arlington is most troublesome and that the area's development potential is capped by the lack of parking. Meanwhile, residents complain that the two-hour parking limits in East Arlington are enforced only in the business districts, not in the adjacent residential neighborhoods. Moreover, Arlington does not have an abundance of on-street or public parking, so the seemingly flexible provisions of the Zoning Bylaw may not have much practical benefit. Even in districts where maximum height limits would not impede redevelopment, the off-street parking regulations could do just that – making parking regulations a form of dimensional and density control. Parking supply management is not a land use issue per se, but it has an undeniable impact on the public's receptivity to more intensive development – which in turn has an impact on a special permit granting authority's approach to development review and permitting.

5. Nonconforming Uses and Structures

Arlington's zoning seems remarkably clear about **nonconforming uses**: they cannot be extended (increased). While the Town gives the Board of Appeals some latitude to approve a change of one nonconforming use to another nonconforming use that is reasonably similar, the overall message of the Zoning Bylaw is that nonconformities should be eliminated over time. As for nonconforming structures, the Board of Appeals has authority to extensions or alterations that do not create new nonconformities or cause existing nonconformities to become more nonconforming. Still, according to the Planning Department, the Town has given "wide latitude" to nonconforming structures, sometimes granting them greater expansion than conforming structures.

Under both state law and the Town's zoning, the standards for expanding or altering nonconforming single-family and two-family homes are less demanding (and more discretionary) than for other land uses. Single-family and two-family homes may be altered and extended if a proposed project does not create new nonconformities and the Board of Appeals finds that the project will not be more detrimental to the neighborhood than the existing condition. (Substantial changes to nonconforming structures may also trigger Arlington's demolition delay bylaw.)

Arlington's zoning does not allow use variances.

6. Transfer of Development Rights

Arlington's ZBL is noteworthy for its omission of a Transfer of Development Rights (TDR) feature. TDR needs thoughtful consideration in Arlington because the Town has so few remaining parcels of vacant land, and some of that land has significant value both for open space and environmental resource protection. TDR requires a "stand-alone" section in zoning in order to address use, dimensional, open space, and procedural requirements in a coherent way. It also needs organizational capacity, e.g., an entity that can acquire and "land bank" real estate in order to facilitate transfers of development rights in a timeframe that works for property owners. TDR could be a very important tool for protecting in perpetuity lands that should be saved while acknowledging and protecting valid economic expectations of owners and investors.

7. Potential Conflicts with State Law

Arlington's present zoning is sometimes inconsistent with Chapter 40A and case law. The following examples need to be addressed:

- The Town requires a special permit for churches and other religious uses, day care and kindergarten programs, and public and private non-profit schools, yet G.L. c. 40A, § 3 categorically exempts these uses from local control, other than "reasonable" dimensional regulations. Libraries, which usually qualify as an educational use, also require a special permit in Arlington. Ironically, non-exempt schools such as trade schools conducted as a private business are allowed as of right in Arlington's business districts, yet public and non-profit schools require a special permit.
- "Rehabilitation residence," which Arlington defines as a "group residence" licensed or operated by the state, requires a special permit, but G.L. c. 40A, § 3 specifically forbids imposing special permit requirements on housing for people with disabilities. (Moreover, most if not all group homes also qualify for exemption as an educational use.)
- Arlington's approach to regulating farms does not square with state law, which protects farming in all of its varieties (including agriculture, horticulture, and permaculture) on five or more acres of land or two or more acres if the farm is producing a modest amount of income for the owner. As a practical matter, Arlington's compliance or lack thereof with the state's agricultural protections may be a moot point because the Town does not have five-acre parcels in agricultural use. Nevertheless, the bylaw's attempt to block livestock or poultry even on larger parcels is incompatible with state law.

January 18-19, 2017
Arlington Zoning Recodification – Arlington, MA
Summary of Interviews

On January 18-19, 2017, staff from RKG Associates, Inc. and Robert Mitchell, FAICP participated in a series of interviews at Arlington Town Hall to begin to understand the perspectives of board and committee members, property owners, business owners, attorneys, town staff, local real estate professionals, developers, and residents regarding concerns and challenges with the Town's current zoning bylaw. Interviews were conducted with individuals and small groups, and were arranged and coordinated by the Arlington Department of Planning and Community Development. People from the following departments, boards, committees, and other stakeholder groups participated during the two-day interview process:

- Town Departments and Boards (individual members, not entire departments/committees/boards)
 - Planning and Community Development
 - Inspectional Services Department
 - Board of Selectmen
 - Planning Board
 - Historic District Commission
 - Zoning Board of Appeals
 - Vision 2020
 - Town Meeting Members
 - Residential Study Group
- Non-Governmental Entities
 - Real Estate Attorneys
 - Developers
 - Business Owners
 - Property Owners
 - Architects
 - Real Estate Brokers
 - Housing Corporation of Arlington

The following is a summary of the main themes and comments the consulting team heard during the interviews. These do not reflect the opinions or analysis of the consultants.

What is Working Well

- Many felt the Environmental Design Review (EDR) process works well.
- Staff is very easy to work with and knowledgeable.

Concerns and Challenges with the Current Zoning

- Navigability
 - Remove the references to Town Meeting adoption dates after every paragraph.
 - Revisit the illustrations in the document, they are too small, confusing, and hard to read.
 - Add an index.
 - Hyperlinks would help.
 - Clean up cross-references between sections and chapters.
 - Clearly state the jurisdiction of the ZBA versus the ARB upfront somewhere.
- Uses and Definitions
 - In general, many mentioned that uses and definitions are out of date or missing or there are definitions for terms not used in the bylaw.
 - There is a desire to build in more flexibility for uses in the zoning. Consider the rapidly changing retail landscape.
 - There is no definition for "foundation" in the bylaw.
 - Review the definition of "alteration" as well and how it applies to existing structures.
 - Think about what to do with accessory dwelling units.
 - Look at how retaining walls are defined and treated.
 - Some would like to see more uses by-right and less by Special Permit.
- Signage
 - Signage requirements change by zoning district. This can create inconsistencies along commercial corridors where zoning districts change parcel by parcel in some cases.
 - Look at updating the free-standing sign restrictions, as well as the size restrictions and how many signs are allowed.
 - Entire section needs to be reorganized. It is not clearly written. (Note: at least one interviewee thought the sign section was "pretty good.")
 - Signage requirements can be found in the General Bylaw, Zoning Bylaw, and Historic District Commission's regulations.
 - Should add illustrations to the sign bylaw sections.

- Dimensions and Nonconformity
 - Need to clear up the open space requirements, particularly where they are applied to an existing non-conforming structure.
 - Need to clear up the language and diagrams for measuring building height. It is very confusing as currently written.
 - Revisit the regulation for not allowing parking in the front setback, even as it applies to driveways. It's creating odd site designs, large underground garages, and steep driveways.
 - New construction is required to take an average front setback of the structures on the block to determine their own front setback. There is no definition of what constitutes "a block".
 - Need to review the 750 square foot addition rule, it currently requires a Special Permit for anything over 750 square feet. Also, any addition within the existing footprint does not count toward the 750 square foot restriction. There seems to be confusion regarding the "footprint" theory and how it applies to the 750 sq. ft. issue.
 - Need to review the regulation for front porches and entryways. Currently there is a 25 square foot maximum in the setback before it triggers a variance.
 - Difficult to figure out the buffer zone diagram and how it is supposed to be applied to parcels.
 - The Town should introduce floor area ratio calculations into the bylaw. It would be an easier concept to understand and regulate.
 - When someone adds a dormer, there are questions about the definition of usable space and what qualifies as usable space.
 - Difficult to figure out the setbacks on odd shaped lots.
 - Density bonus under Section 6.12 not well understood and rarely is there an attempt to use this.
 - Nonconforming section should be updated to reflect current case law on the topic.
 - Height requirements do not take into consideration lots in the flood plain and the need to elevate new buildings above the base flood level.
 - The use of the "1 wall" principle in deciding what can be done with rebuilding/tearing down parts of older nonconforming houses needs clarity.
- Zoning Districts
 - There are generally too many zoning districts in Arlington, especially business districts. Many of these districts simply represent what buildings are currently on properties and therefore are almost a lot-by-lot zoning scheme. Look at reducing the number of districts, combining districts

and/or creating an overlay district to coordinate development along the business corridors.

- Many of the primary commercial corridors have a mosaic of zoning districts, with individual parcels being "spot zoned". This creates an inconsistent set of regulations along large corridors.
- In some cases, individual buildings may be in two or three different zoning districts making it extremely difficult to redevelop. No one knows which district to follow, and sometimes they are told to follow both depending on where sections of the building are located.

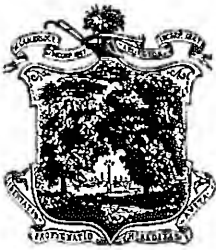
- **Permitting Requirements**

- Need a separate sign permit instead of having to file for a building permit.
- Permitting guide is too long and arduous.
- Confusion around which board to start with when multiple boards are required to sign off on a project during the permitting process.
- Some interviewees noted they never see the final decision once it is filed with the Clerk.
- Permit process diagram in the bylaw is very confusing, and too small to read.
- Where can we introduce more administrative reviews by staff to lessen the case load handled by the ZBA?
- Look at reducing Special Permits for non-conformity. This places an undue burden on residents who want to make changes, but have to hire and architect and a lawyer to navigate the process.
- There should be a project size threshold for triggering the EDR process. Right now, many developers do not want to work in Arlington because of the arduous and confusing processes for approvals.
- The criteria for evaluating projects under EDR is not clear and it's overly complicated. Applicants also are not used to EDR; they are used to Site Plan Review in other communities.
- Many applications do not include the requires information and this delays the hearing and decision of the boards. Consider instituting a town hall staff review process to review the applications with the applicant to improve the submission information prior to the board hearings.

- **Parking Requirements**

- Look at the section regulating driveways in residential districts. This needs to be clarified more and cleaned up.
- Review parking requirements, there may be opportunities to offer parking relief for certain uses in certain districts.

- Other
 - Find places where procedures and language can be removed from the Zoning Bylaw and placed into rules and regulations of the boards.
 - The mixed-use bylaw is not clear. The FAR and unit count calculations are limiting and hard to figure out. Results in having to change the project midway through the process.
 - There are many exceptions to the rule in the bylaw and even exceptions to the exceptions. Hard for property owners, architects, developers and even staff to understand all of these exceptions.
 - There is much vague language in the bylaw. Edit for easier use by citizens.
 - ZBA could use more staff support.
 - Resident opposition to development in Arlington is high, making it difficult to predict how the permitting process will unfold.
 - Hard to figure out the affordable housing calculation. Do you take the total square feet of the building, or just the square feet of the residential portion to calculate the density? This applies to a mixed-use example specifically.
 - The Design Standards of the town could be updated and they need to be incorporated by reference into the bylaw.
 - Development often happens in spite of the bylaw as people find loopholes around regulations. But because of the complexity of the bylaw and that it is not structured to encourage "good" development, many older buildings that should be redeveloped with new buildings are not redeveloped and some of the new development is not of the best design and quality. Zoning bylaw should make reference to the Historic District bylaw and what the requirements are under that bylaw that overlap with zoning.



TOWN OF ARLINGTON

MASSACHUSETTS 02476

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DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

DIRECTOR'S REPORT

To: Arlington Redevelopment Board
From: Jennifer Raitt, Director, Department of Planning and Community Development
Date: March 2, 2017

Annual and Special Town Meeting 2017:

The Department has been working very hard on a number of zoning and town bylaw amendments that will come before Town Meeting, including:

- ARTICLE 6: ZONING BYLAW AMENDMENT/ MIXED USE IN BUSINESS AND INDUSTRIAL ZONES
- ARTICLE 8: ZONING BYLAW AMENDMENT/ RESIDENTIAL DRIVEWAY AND PARKING ACCOMODATION ZONING CHANGES
- ARTICLE 7: ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION
- ARTICLE 11: BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS
- ARTICLE 12: BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: BUILDING SITE MAINTENANCE
- ARTICLE 13: BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS
- ARTICLE 14: BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT
- ARTICLE 26: ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF A PARKING BENEFITS DISTRICT
- ARTICLE 29: ENDORSEMENT OF CDBG APPLICATION
- ARTICLE 38: APPROPRIATION/ZONING BYLAW RECODIFICATION

At the ARB meeting, we will further discuss the public hearing schedule and plans for a Town Meeting Member information session.

Staffing Update:

Eileen Coleman started providing consulting Conservation Administrator services in late February and will do so through the end of this fiscal year. She will be working up to 20 hours per week. Her office hours are:

- Monday 9:00 a.m.-12:00 p.m.
- Tuesday 9:00 a.m.-12:00 p.m.
- Thursday when Commission not in session: 3:00 p.m. to 7:00 p.m.
- Thursday when Commission in session: 12:00 p.m.-5:00 p.m. and 7:00 p.m.-10:00 p.m.

SCHEDULE AND DETAILS FOR ANNUAL TOWN MEETING 2017

Zoning and Bylaw Amendments: Meeting Schedule			Zoning and Bylaw Amendments: Outreach and Engagement Schedule			
Date	Item	Lead	Date	Item	Coordinate outreach with Boards, Commissions, Organizations, TM Members, other	Lead
3/6/2017	Regular ARB Business Meeting	ARB	3/1-3/13	Outreach regarding Public Hearings	News, Blogs, Newsletters, Community Groups	DPCD, RSG
3/13/2017	Public Hearing, ATM Warrant Articles	ARB	3/8/2017	Residential Study Group	RSG	RSG
3/13/2017	Public Hearing, Town Bylaws and Parking Benefits District	BOS	3/13/2017	Residential Study Group	RSG	RSG
3/20/2017	Regular ARB Business Meeting and Public Hearing, STM Warrant Article	ARB	3/20/2017	Residential Study Group	RSG	RSG
3/27/2017	Vote on recommendations--ATM and STM Warrant Articles, Town Bylaws	BOS	3/30/2017	Residential Study Group	RSG	RSG
3/27/2017	Vote on recommendation to ATM and STM on Warrant Articles / Discussion of Report to Town Meeting	ARB	4/6/2017 6:00PM	Public Forum	RSG	RSG
4/3/2017	Vote/Report to Town Meeting	ARB	April	Attend Precinct Meetings	Town Meeting Members, residents, ARB, staff	RSG
4/11/2017	Report to Town Meeting due	ARB	April-May	Continued outreach and education to TMMs during Town Meeting	RSG, ARB, Town Meeting Members	RSG
4/24/2017	Town Meeting begins. Outreach continues	ARB, DPCD, RSG				
4/26/2017	Special Town Meeting	ARB, DPCD, RSG				